

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
GMA ACCESSORIES, INC., :
Plaintiff, :
: against- : 21 Civ. 11227 (LGS)
:
:
NEW SIX LIMITED, et al., :
Defendants. :
:

ORDER

ATALLAH GROUP US INC., :
Plaintiff, :
: against- : 22 Civ. 7438 (LGS)
:
GMA ACCESSORIES INC., :
Defendant. :
:
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, a telephonic conference was held on October 13, 2023. For the reasons discussed at the conference, it is hereby

ORDERED that Case No. 21 Civ. 11227 is consolidated with Case No. 22 Civ. 7438 under Federal Rule of Civil Procedure 42(a) because the actions “involve a common question of law or fact.” “The trial court has broad discretion to determine whether consolidation is appropriate.” *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir. 1990); *accord Morinville v. Dzurenda*, No. 21 Civ. 6088, 2022 WL 203989, at *3 (E.D.N.Y. Jan. 24, 2022). All further filings shall be under the case with the lower docket number, 21 Civ. 11227. The case shall be captioned, ATALLAH GROUP US INC., et al. v. GMA ACCESSORIES INC. It is further

ORDERED that in Case No. 21 Civ. 11227, the abandonment counterclaim is the sole surviving claim, as the only surviving claims after summary judgment are counterclaims and the

other counterclaims are hereby dismissed on consent. Following consolidation, the abandonment counterclaim will be considered an affirmative claim by Atallah Group US Inc. and New Six Limited against GMA Accessories Inc. No further discovery or motion practice shall take place regarding this claim as it has been fully litigated and is trial ready. It is further

ORDERED that by **November 10, 2023**, Atallah and New Six shall file their motion for attorney's fees in an "exceptional case" under 15 U.S.C. § 1117(a), with a memorandum of law not to exceed 25 pages, as the prevailing party at summary judgment in 21 Civ. 11227 prior to consolidation. GMA Accessories shall file any opposition, not to exceed 25 pages, by **November 30, 2023**. Atallah and New Six shall file any reply, not to exceed 10 pages, by **December 11, 2023**. At this stage, counsel for Atallah and New Six need not attach timesheets or other supporting documents to substantiate the work done and time spent. The motion is within the purview of Judge Cott under the September 9, 2022, referral order. It is further

ORDERED that, by **October 20, 2023**, the parties shall submit a proposed civil case management plan and scheduling order in the form available at the Court's website (<https://nysd.uscourts.gov/hon-lorna-g-schofield>). The scheduling of any Rule 16(a) conference is within the purview of Judge Cott under the September 9, 2022, referral order. The Clerk of Court is respectfully directed to consolidate Case No. 21 Civ. 11227 and Case No. 22 Civ. 7438 under Case No. 21 Civ. 11227 and to amend the caption as set forth above.

Dated: October 16, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE